



GOAL II: INDEPENDENCE AND ACCOUNTABILITY

The judiciary must maintain its status as an independent, separate, and co-equal branch of government. The independence of judicial decision making will be protected in order to preserve the rule of law and ensure the fair, impartial, and efficient delivery of justice. The judiciary will unify in its advocacy for resources and policies that support and protect independent and impartial judicial decision making in accordance with the constitution and the law. The branch will maintain the highest standards of accountability of its use of public resources, and adherence to its statutory and constitutional mandates.

The following provides information related to the 2008-2011 Operational Plan objectives for **Goal II**. This material provides a glimpse of where we have been and where we are going as a branch. With respect to **Where We Have Been**, you will see examples of work demonstrating branch efforts to operationalize each objective. These are samples of work and do not represent the full breadth of all projects and work performed related to each objective. Rather, we intend this snapshot of “where we have been” to help inform your survey responses as we draft new objectives going forward (*e.g., How have we met each objective? Does the objective give the proper guidance for the work to be performed? Is more work needed in this goal area?*). The information was gathered from reports, discussions, and subject matter experts in the early phases of the current planning process and provides a sampling of work with regard to each objective. With respect to **Where We Are Going**, this information identifies challenges facing the branch as well as possible focus points as we move forward.

After reviewing the material below related to the Goal II objectives, please return to the planning website to access the link to the Goal II survey. The survey will ask you to rank, as well as comment on, the current Goal II objectives. This ranking exercise was conducted by the Judicial Council at its 2011 Planning Meeting, and serves as a means to spark discussion and critical thinking about the breadth and utility of the current plan. Your feedback will be used at the

March 2012 planning meeting to begin to shape the new Goal II objectives for the *Operational Plan for California's Judicial Branch 2012-2015*.

Part A. Independence of Judicial Decision Making

Objective 1

Safeguard judicial impartiality and strengthen the ability of the branch and local courts to respond effectively to attempts to politicize the decisions of individual judicial officers.

Where Have We Been?

Examples of work done to operationalize Objective 1:

Commission on Impartial Courts Task Force

- Their report made 71 recommendations on public information and education, and focused on ways to respond to unwarranted criticism, personal attacks on judges, and institutional attacks on the judiciary; inappropriate judicial campaign conduct; and other challenges to judicial impartiality arising from unpopular judicial decisions.

Part B. Branch Independence and Accountability

Objective 2

Partner with other branches and the public to secure constitutional and statutory amendments that will strengthen the Judicial Council's authority to lead the judicial branch.

Where Have We Been?

Examples of work done to operationalize Objective 2:

Public Access to Judicial Administrative Records Rule 10.500

- Established comprehensive public records access provisions applicable to administrative records maintained by the California judiciary.

Performance-Based Infrastructure

- In the case of the Long Beach courthouse, a partnership between the public sector owner-- the judicial branch and a private project company that finances, designs, and builds the courthouse and then operates and maintains the building

Court-Appointed Counsel Performance Database

- Tracks caseload and workload data for attorneys in the Dependency Representation, Administration, Funding, and Training (DRAFT) Program.

Objective 3

Improve communication within the judicial branch, with other branches of government, with members of the bar, and with the public to achieve better understanding of statewide issues that impact the delivery of justice.

Where Have We Been?

Examples of work done to operationalize Objective 3:

Transcript Assembly Program

- Records of cases on appeal can now be easily searched online by the public.

Bench-Bar-Media Committee

- Established to foster understanding and working relationships among California judges, lawyers and journalists who cover legal issues and the courts.

Media Handbook for California Court Professionals

- A guide for those responsible for media relations in their court: examples of news releases, media coverage, media plans and policies.

Judicial Branch Web Assessment and Redesign Project

Trial Court Web Assessment and Redesign

Objective 4

Measure and regularly report branch performance—including branch progress toward infrastructure improvements to achieve benefits for the public.

Where Have We Been?

Examples of work done to operationalize Objective 4:

Trial Court Workload & Performance Study

- SB56, Gov. Code Section 77001.5, requires the Judicial Council to report annually on judicial administration standards and measures.

Task Force on Improving California's Criminal Fine Structure

- Assembly Bill 367: Judicial Council-sponsored legislation that requires establishment of a task force to improve criminal and traffic fine structure in California while keeping statewide revenue sources neutral.

Court Clerk Career Progression Opportunity Program

- Superior Courts of Butte, Glenn, Sutter, and Yuba Counties collaborated to develop a uniform court clerk classification certification program.

Where Are We Going?

The information in this section was provided by the same subject matter experts who provided examples of work related to objectives outlined above. The “Current Conditions” outline the challenges and realities faced by the branch and society more generally. The “Future Considerations” provides a sampling of thoughts regarding trends and opportunities to consider in drafting objectives and outcomes for the next three year operational plan.

Current Conditions

State and National Economic Conditions

- Budget reductions to the judicial branch
 - Court Closures
 - Delays in Court Proceedings
 - Staff Reductions

Transparency and Accountability

- Greater scrutiny by executive and legislative branches
- Internal scrutiny by branch stakeholders
- Public expectations for access to information and fiscal stewardship

Threats to Impartiality of the Judiciary

Future Considerations

Secure Stable Funding for the Judicial Branch

- Develop immediate and long-term solutions via partnerships with:
 - Government and non-government leaders; attorneys and bar leaders; Chamber of Commerce and business leaders; court users and the public
 - Partner with key judicial system stakeholders to promote the viability of the justice system through stable funding
 - Educate policy makers about the crisis and impact to the public

- Communicate impacts of budget cuts to the branch and users
- Explore additional funding opportunities for branch revenue

Maintain the Independence of the Judicial Branch as the Third Branch of Government

- Reinforce a governance model of open participation and dialogue that promotes the common good
- Encourage a common voice and promote a common message
- Achieve stable funding to protect branch independence

Continue to be Vigilant About the Impartiality of the Judiciary

- Implement recommendations of the Commission on Impartial Courts
- Promote and support legislation that reinforces judicial branch independence

Improve Accountability/Performance Standards and Measures

- Implement better metrics for measuring performance
- Use measurements to be more precise, effective, and accountable for what we are doing
- Develop cost-efficient data collection strategies

*Please return to <http://www.courts.ca.gov/jbplanning.htm> to access the Goal II survey link.
Thank you.*